

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Attorney Docket No.: 38005-0184

Applicant:	Gerhard JAEHNE et al.	Confirmation No.	To Be Assigned
Appl. No.:	To Be Assigned Divisional of 10/230,379	Examiner:	Vollano, J.F. (parent case)
Filing Date:	October 27, 2003	Art Unit:	1621 (parent case)
Title:	DERIVATIVES OF C2-SUBSTITUTED INDAN-1-OL SYSTEMS FOR THE PROPHYLAXIS OR TREATMENT OF OBESITY		

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08A is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 C.F.R. §1.56 and §1.97.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action, which would be appropriate to antedate or otherwise remove as a competent reference any document, which is determined to be a *prima facie* prior art reference against the claims of the present application.

**RELEVANCE STATEMENT**

Applicants are submitting herewith on Form PTO/SB/08A, a listing of the documents cited by, or submitted to the Patent Office in parent application Serial No. 10/230,379, filed August 29, 2002. The relevance of these prior art documents is explained in the parent application. As provided in 37 C.F.R. § 1.98(d), copies of the documents are not being provided since they were previously cited by or submitted to the Patent Office in parent application Serial No. 10/230,379.

**TIMING/FEE**

The instant Information Disclosure Statement is being filed in compliance with 37 C.F.R. §1.97(b) within three months from the filing date of the above-identified application, therefore, no fee is required in connection with its filing.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with M.P.E.P. §609.

Respectfully submitted,

Date: October 27, 2003

By: Patricia D. Granados

HELLER EHRMAN WHITE &  
MCAULIFFE  
1666 K Street, N.W., Suite 018600  
Washington, DC 20006  
Telephone: (202)  
Facsimile: (202) 912-2020  
Customer No. 26633

Patricia D. Granados  
Attorney for Applicant  
Registration No. 33,683

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 Of 2

**Complete if Known**

Application Number	To Be Assigned (divisional application of U.S. Patent Application Serial No. 10/230,379)
Filing Date	October 27, 2003
First Named Inventor	Gerhard JAEHNE et al.
Group Art Unit	1621 (parent case)
Examiner Name	J.F. Vollano (parent case)
Attorney Docket Number	38005-0184

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-			
		US-			
		US-			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
	1	EP 0009554	04-06-1980	Schering AG		
	2	WO 97 20806 A	06-12-1997	Venantius Limited		
	3	WO 97/26265	07-24-1997	Novo Nordisk A/S		
	4	WO 97/41097	11-06-1997	Dr. Reddy's Research Foundation		
	5	WO 99/08871	03-05-1998	Novo Nordisk A/S		

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	1	D. Edwards et al., "The Oxidation of Alkyl Sulphides". J. Chemical Society, 1954, pp 3272-3284	
	2	Ford, J.F., et al., "Stereochemistry of the Co-oxidation Products of Indene and Thiophenol." <i>Tetrahedron</i> , Vol. 4, 1958, pp. 325-336.	
	3	Lambert, P.D., et al., "Ciliary neurotrophic factor activates leptin-like pathways and reduces body fat, without cachexia or rebound weight gain, even in leptin-resistant obesity." <i>PNAS</i> , Vol. 98, No. 8, April 10, 2001, pp. 4652-4657.	
	4	Maiti, A.K., et al., "Polyethylene Glycol (PEG) 4000 Catalysed Regioselective Nucleophilic Ring Opening of Oxiranes - A New and Convenient Synthesis of $\beta$ -Hydroxy Sulfide." <i>Tetrahedron</i> , Vol. 50, No. 35, pp. 10483-10490.	
	5	Monteiro, Hugo J., et al., "A New Synthesis of $\beta$ -Keto-Phenylsulfoxides." <i>Tetrahedron Letters</i> , No. 11, 1975, pp. 921-924.	
	6	A. V. SVIRIDOVA et al., A Method for the Selective Oxidation..., Translated from <i>Zhurnal Organicheskoi Khimii</i> , Vol. 7, No. 12, pp. 2480-2483, December, 1971, original Article submitted December 21, 1970 (translated pages include 2577-2580)	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 Of 2

**Complete if Known**

Application Number	To Be Assigned (divisional application of U.S. Patent Application Serial No. 10/230,379)
Filing Date	October 27, 2003
First Named Inventor	Gerhard JAEHNE et al.
Group Art Unit	1621 (parent case)
Examiner Name	J.F. Vollano (parent case)
Attorney Docket Number	38005-0184

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-			
		US-			
		US-			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
	6	WO 99/03861	01-28-1999	Novo Nordisk A/S		
	7	WO 01/12176	02-22-2001	Sanofi-Synthelabo		
	8	WO 01 62746 A1	08-30-2001	Aventis Pharma Deutschland GmbH		
	9	WO 01 02373 A	01-11-2002	Merck Patent GmbH		
	10					

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	7	Hugh W. Thompson., "Stereochemical Control of Reductions. The Directive Effect of Carbomethoxy vs. Hydroxymethyl Groups in Catalytic Hydrogenation" The Journal of Organic Chemistry" 1971, pp 2577-2581	
	8	Tyle, P., "Iontophoretic Devices for Drug Delivery." <i>Pharmaceutical Research</i> , Vol. 3, No. 6, 1986, pp. 318-326.	
	9	Venier, Clifford G., et al., "Peroxytrifluoroacetic Acid. A Convenient Reagent for the Preparation of Sulfoxides and Sulfones." <i>J. Or. Chem.</i> , Vol. 47, 1982, pp. 3773-3774.	
	10	Seebach, Dieter, et al., "Herstellung $\alpha$ -thiolierter Carbonylverbindungen." <i>Chem. Ber.</i> , Vol. 109, 1976, pp. 1601-1616.	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.